

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2005 Legislative Session

Legislative day #4

BILL NO. 14

Introduced by David A. Rakes, Vice Chairman

~~AN ACT amending Subtitle 4 “Moderate Income Housing Units” of Title 13 “Housing and Community Development” of the Howard County Code to clarify that a developer using the rehabilitation of existing housing units provision to satisfy his Moderate Income Housing Unit requirements may receive credit for providing either age-restricted or non-age-restricted rehabilitated existing moderate income housing units subject to the approval of the Director of the Department of Housing and Community Development.~~ AN ACT amending Subtitle 4 “Moderate Income Housing Units” of Title 13 “Housing and Community Development” of the Howard County Code to change the conditions under which a developer may substitute a rehabilitated housing unit for a required age-restricted housing unit.

Introduced and read first time _____, 2005. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2005 and concluded on _____, 2005.

By order _____
Sheila M. Tolliver, Administrator to the County Council

This Bill was read the third time _____, 2005 and Passed __, Passed with amendments __, Failed __.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2005 at _____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2005.

James N. Robey, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law.
~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. *Be it enacted*** by the County Council of Howard County, Maryland, that Subtitle
2 4, “*Moderate Income Housing Units*” of Title 13 “*Housing and Community Development*” is
3 hereby amended to read as follows:

4
5 **~~Title 16~~ Title 13. Housing and Community Development**

6 **Subtitle 4. Moderate Income Housing Units**

7
8 Section. 13.401. Definitions

9 (m) *Rehabilitated Existing Moderate Income Housing Unit.* "Rehabilitated existing
10 moderate income housing unit" means an existing residential housing unit that has been determined by
11 the department of housing and community development to have met the specified eligibility criteria
12 and rehabilitation requirements for such units as provided in this subtitle and that is subject to and
13 bound to comply with all of the requirements in this subtitle applicable to newly built moderate
14 income housing units.

15
16 Section. 13.402. Development procedures; moderate income housing unit agreement; alternative.

17 (e) *Alternative for age-restricted adult housing conditional uses within the planned*
18 *service area or age-restricted adult housing located within a planned senior community*
19 *zoning district.* The developer of an age-restricted adult housing development subject to this subtitle
20 may provide the required units at an alternative location if the following conditions are met:

21 (1) The development is located in the planned service area for public water and sewer, as
22 designated in the master plan for water and sewerage; and

23 (2) The development is:

24 (a) An age-restricted adult housing conditional use, approved in accordance with
25 section 131.N of the Howard County Zoning Regulations; or

26 (b) A planned senior community zoning district development, approved in
27 accordance with section 127.1 of the Howard County Zoning Regulations;
28 and

29 (3) Concurrent with or prior to approval of a site development plan for the development

1 the developer provides an equal number of moderate income housing units at a
2 location:

- 3 (i) Determined by the Department of Housing and Community Development to
4 be better suited for the moderate income housing units due to design or
5 economic factors; and
- 6 (ii) For which a site development plan has been approved by the Department of
7 Planning and Zoning.

8 (f) *Alternative of providing rehabilitated existing moderate income housing units.*

9 The developer of a housing development subject to this subtitle may provide up to five rehabilitated
10 existing moderate income housing units if the developer's requirement is for 29 or fewer moderate
11 income housing units or, if the developer's requirement is for 30 or more moderate income housing
12 units, the developer may provide a maximum of 20% of the required moderate income housing units
13 by providing rehabilitated existing moderate income housing units provided that:

- 14 1. Prior to approval of a final subdivision plat or, if the property is not being subdivided, a
15 site development plan:

16 (a) The developer provides:

- 17 (1) One rehabilitated existing moderate income housing unit certificate approved
18 by the department of housing and community development as provided
19 below for each moderate income housing unit required by this subtitle;
20 and/or
- 21 (2) Two rehabilitated existing moderate income housing unit certificates for
22 condominium apartment units approved the department of housing and
23 community development as provided below for each moderate income
24 housing unit required by this subtitle; and

25 (b) The developer executes all of the required agreements and covenants relating to
26 the provision of newly built moderate income housing units in this subtitle.

27 ~~2. IN SATISFYING THE REQUIREMENT TO PROVIDE AGE RESTRICTED~~
28 ~~MODERATE INCOME HOUSING UNITS AS PROVIDED IN THE ZONING~~
29 ~~REGULATIONS AND THIS SUBTITLE THROUGH THE PROVISION OF~~

1 ~~THE ALLOWED PERCENTAGE OF REHABILITATED EXISTING~~
2 ~~MODERATE INCOME HOUSING UNITS PURSUANT TO SECTION~~
3 ~~13.402(F), A DEVELOPER MAY RECEIVE THE PERMISSIBLE CREDIT BY~~
4 ~~PROVIDING EITHER AGE RESTRICTED OR NON AGE RESTRICTED~~
5 ~~REHABILITATED EXISTING MODERATE INCOME HOUSING UNITS~~
6 ~~SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE~~
7 ~~DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.~~

8 2. (A) IF A DEVELOPER IS REQUIRED TO PROVIDE AGE-RESTRICTED
9 MODERATE INCOME HOUSING UNITS BY THE ZONING REGULATIONS AND THIS
10 SUBTITLE, THE DEVELOPER MAY USE THE ALTERNATIVE OF PROVIDING
11 REHABILITATED UNITS AS PERMITTED BY THIS SUBSECTION.

12 (B) A DEVELOPER MAY USE A NON-AGE RESTRICTED REHABILITATED UNIT
13 INSTEAD OF AN AGE-RESTRICTED REHABILITATED UNIT UNDER THIS
14 SUBSECTION IF THE DIRECTOR OF THE DEPARTMENT OF HOUSING AND
15 COMMUNITY DEVELOPMENT, WITH THE CONCURRENCE OF THE CHIEF
16 ADMINISTRATIVE OFFICER:

17 (1) HAS MADE A GOOD FAITH EFFORT TO FIND, BUT IS UNABLE TO
18 FIND, ANY ELIGIBLE PURCHASER WHO MEETS THE CRITERIA
19 FOR THE AGE-RESTRICTED MODERATE INCOME HOUSING UNIT
20 CONSISTENT WITH FEDERAL DISCRIMINATION LAW
21 EXEMPTIONS; OR

22 (2) HAS DETERMINED THAT THE UNIT IS NOT PHYSICALLY SUITED
23 FOR USE BY AN AGE-RESTRICTED ELIGIBLE PURCHASER.

24 (C) THE TOTAL NUMBER OF NON-AGE RESTRICTED REHABILITATED UNITS
25 THAT ARE SUBSTITUTED FOR AGE-RESTRICTED UNITS SHALL NOT EXCEED 10.

26 ~~[[2]] 3.~~ Except as provided in subsection (h) of this section, the rehabilitated existing moderate
27 income housing units are subject to all of the requirements applicable to newly built
28 moderate income housing units in this subtitle.

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31 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that*
32 *this Act shall become effective 61 days after its enactment.*
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